UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,417	12/27/2000	Stuart J. Clenaghan	6311-005	6939

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EXAMINER
HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
3624	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
09/750,417</td><td>Applicant(s)
CLENAGHAN ET AL.</td></tr>
<tr><td>Examiner
Lalita M. Hamilton</td><td>Art Unit
3624</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2006*.

2a)☐ This action is **FINAL**.　　2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9,18-30,36 and 38* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9,18-30,36 and 38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Summary

On March 28, 2005, an Office Action was sent to the Applicant rejecting claims 1-9, 18-30, 36, and 38. On July 12, 2005 and November 2, 2005, the Applicant responded. On October 7, 2005 and January 23, 2006, the Applicant was sent Notices of a Non-responsive amendment. On January 30, 2006, the Applicant responded with arguments.

Election/Restrictions

The Applicant did not present arguments pertaining to the election with traverse. Therefore, the restriction is made FINAL.

Newly amended claim 36 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The Applicant included limitations from withdrawn claim 32.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, amended claim 36 is withdrawn from consideration as being directed to a non-elected invention. Original claim 36 will stand as rejected, as set forth below. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 18-30, 36, and 38 are rejected under 35 U.S.C. 102(e) as being

anticipated by Lupien (6,012,046).

Lupien discloses a method and corresponding system for matching orders

comprising processing order data associated with an issue of a debt instrument, at a

server, receiving a plurality of orders requesting purchase of a debt instrument, at least

a first one of the orders comprising size data specifying a non-zero order size that

varies over a first range of potential market values of the debt instrument, establishing a

market value of the debt instrument based on the plurality of orders, and determining an

order size for the first order based on the established market value and the size data

(col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12,

line 22); each of the plurality of orders comprises at least one order components

selected from the group consisting of a market order component, a spread order

component comprising said size data specifying said non-zero order size, and a switch

order component (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11,

line 20 to col.12, line 22); an available allotment of the debt instrument among the

plurality of orders ranking order components associated with the plurality of orders,

determining a clearing spread associated with the ranked order components, for each

order components at a spread less than the clearing spread, allocating the debt

instrument at a demand size specified by the respective order component, and for each

order components at a spread greater than the clearing spread, allocating the debt

instrument based on a time-stamp associated with the respective order component

(col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12,

line 22); the first order further comprises a market value specifier selected from the

group consisting of a percentage of par, a coupon value, a spread value, and a yield to

maturity (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20

to col.12, line 22); the size data comprises a plurality of data sets, each data set

comprising a market value and a demand quantity at said market value, and the plurality

of sets representing a demand curve (col.3, line 65 to col.4, line 48; col.5, lines 8-35;

col.6, lines 1-8; col.11, line 20 to col.12, line 22); determining the demand amount

comprises determining based on the data sets (col.3, line 65 to col.4, line 48; col.5, lines

8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); during a subscription period for a

debt instrument, receiving at a server a purchase order request for an issue of a debt

instrument, during the subscription period, forming an order book comprising an

aggregate of the plurality of order request received at the server, the aggregate

differentiating total purchase demand for different market values of the debt instrument,

displaying the order book to an issuer of the debt instrument, upon request by the

issuer, forming an updated order book, and displaying the updated order book to the

issuer (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); each order request comprises a market value and an order size (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); forming an updated order book comprises updating the aggregate of the plurality of order request (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); the aggregate of the order request comprises a size of demand at a plurality of different price ranges (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); at a server, establishing an issuer account associated with an issuer of a debt instrument, at the server establishing a plurality of management accounts each associated with a different one of a plurality of managing entities and each enabling establishment of sub-accounts, each sub-account associated with a primary market investor for the debt instrument, at the server, receiving requests from the managing entities to establish sub-accounts for primary market investors, receiving offers from the primary market investors for purchase of the debt instrument, generating an issuer order book comprising an aggregate of the offers received from the different primary market investors associated with the plurality of management accounts, and displaying the issuer order book to the issuer (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); configured to prevent access to the issuer order book by the managing entities and by the investors (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); generating a plurality of managing entity order books each corresponding to one of the managing entities and each comprising an aggregate of the

offers received from primary market investors associated with said one of the managing

entities, displaying managing entity order books to the associated managing entity, and

preventing access by managing entities to managing entity order books associated with

other ones of the managing (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines

1-8; col.11, line 20 to col.12, line 22); receiving at a server a plurality of offers for

purchase of a debt instrument, at least one of the offers specifying a demand amount

that is variable based on market value of the debt instrument, forming a dynamically

updated order book comprising an aggregate of the plurality of offers, the aggregate

differentiating total purchase demand at different purchase price levels, and displaying

the dynamically updated order book to an issuer of the debt instrument (col.3, line 65 to

col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); a

second one of the offers comprises an identification of a swap instrument and the

method further comprises establishing a value of the swap instrument, the value being

usable to satisfy a payment obligation associated with a purchase of the debt instrument

in accordance with the second offer (col.3, line 65 to col.4, line 48; col.5, lines 8-35;

col.6, lines 1-8; col.11, line 20 to col.12, line 22); the first and the second offers are the

same offer (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line

20 to col.12, line 22); at the server, establishing an issuer account associated with an

issuer of the debt instrument at a server, establishing a plurality of management

accounts each associated with a different one of a plurality of managing entities and

each enabling establishment of sub-accounts, each sub-account associated with a

primary market investor for the debt instrument, at the server, receiving requests from

the managing entities to establish sub-accounts for primary market investors, receiving

from the primary market investors the plurality of offers, generating an issuer order book

comprising an aggregate of the offers, and displaying the issuer order book to the issuer

(col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12,

line 22); a network interface operatively coupling the system to a plurality of primary

market investor terminals, a data processor operatively coupled to the network interface

and to a transaction database system, and a program storage media coupled to the

processor and comprising instructions to configured the processor to receive debt

instrument purchase orders from the primary market investor terminals, at least a first

one of the purchase orders comprising data specifying a non-zero order size that varies

over a first range of market values of the debt instrument, store purchase order data

derived from received purchase orders in the transaction database system, aggregate

the stored purchase order data to distinguish market demand for the debt instrument at

a plurality of potential market values, establish a market value of the debt instrument

based on the market demand at the plurality of potential market values, and determine

the order size associated with the first one of the purchase orders based on the

established market value (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-

8; col.11, line 20 to col.12, line 22); the transaction database system comprises a

database system selected from the group consisting of an in-memory database, a

distributed database, a relational database, and a flat-file stored on a disk media (col.3,

line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line

22); the first purchase order further comprises data specifying a zero order size for a

second range of market values (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6,

lines 1-8; col.11, line 20 to col.12, line 22); the data specifying the non-zero order size

comprises a plurality of data sets, each data set comprising a market value and a

demand quantity at said market value, and wherein the instructions to configure the

processor comprise instructions to vary the order size based on the plurality of data sets

(col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12,

line 22); the instructions to aggregate the purchase order data comprise instructions to

format the aggregated purchase order data for presentation to an issuer and the

instructions to establish a market value comprise instructions to present the aggregated

purchase order data to an issuer and instructions to receive a selection of a market

value in response to the presentation of the aggregated purchase order data (col.3, line

65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22);

the aggregate of the order data comprises a sum of demand at a plurality of different

price ranges (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line

20 to col.12, line 22); at least a first one of the purchase offer comprises data specifying

a demand amount that is variable based on market value of the debt instrument and the

instructions to configure the processor further comprise instructions to form a

dynamically updated order book comprising an aggregate of the plurality of offers, the

aggregate differentiating total purchase demand at different purchase price levels,

display the order book to an issuer of the debt instrument, receive data indicating a

market value for the debt instrument in response to display of the order book, and the

instructions to establish the market value comprise instructions to establish based on

the receipt of the data indicating the market value (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22); and the instructions to configure the processor further comprising instructions to establish an issuer account associated with an issuer of the debt instrument, establish a plurality of management accounts each associated with a different one of a plurality of managing entities and each enabling establishment of sub-accounts, each sub-account associated with a primary market investor for the debt instrument, receive requests from the managing entities to establish sub-accounts for primary market investors, generate an issuer order book comprising an aggregate of the purchase orders, displaying the issuer order book to the issuer but not to the managing entities, generate a plurality of managing entity order books each corresponding to a managing entities and each comprising an aggregate of purchase orders received from primary market investors associated with said one of the managing entities, display the managing entity order books to the associated managing entity, and prevent access by managing entities to managing entity order books associated with other ones of the managing entities (col.3, line 65 to col.4, line 48; col.5, lines 8-35; col.6, lines 1-8; col.11, line 20 to col.12, line 22).
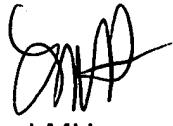
Response to Arguments

Applicant's arguments with respect to claims 1-9, 18-30, 36, and 38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Lalita M. Hamilton whose telephone number is (571)
272-6743. The examiner can normally be reached on Tuesday-Thursday (6:30-2:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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LMH